

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**BRANDON LILLIE and
CHRISTINE THOMPSON,**

Plaintiffs,

V.

**USA TRUCK, INC. and
ALEXANDER STRANGE,**

Defendants.

CIVIL ACTION NO. 20-cv-328-RAW
JURY TRIAL REQUESTED

**DEFENDANTS USA TRUCK, INC. AND
ALEXANDER STRANGE'S NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1441, Defendants, USA Truck, Inc. (“USA”) and Alexander Strange (“Strange”) (collectively, "Defendants"), hereby remove to this Court the state court action described in Paragraph 1 below. Pursuant to 28 U.S.C. § 1446(a), Defendants set forth the following "short and plain statement of the grounds for removal."

A. THE REMOVED CASE

1. The removed case is a civil action filed with the District Court of Bryan County, Oklahoma (the “Bryan County Court”), on September 3, 2020, styled *Brandon Lillie and Christi Thompson v. USA Truck, Inc. and Alexander Strange*, Case No. CJ-2020-162. The case arises out of an incident that Plaintiffs, Brandon Lillie and Christi Thompson (collectively, "Plaintiffs"), allege occurred on September 16, 2018 in Bryan County, Oklahoma.

B. DOCUMENTS FROM REMOVED ACTION

2. Pursuant to LCvR 81.2, Defendants are attaching hereto a clearly legible copy of all documents filed or served in the case as identified below:

- Exhibit A – Bryan County CJ- Civil Docket Sheet;
- Exhibit B – Plaintiffs’ Original Petition;
- Exhibit C – Summons to USA Truck, Inc.;
- Exhibit D – Summons to Alexander Strange.

C. REMOVAL IS TIMELY

3. Plaintiffs filed the present civil suit against Defendants, in the District Court of Bryan County, Oklahoma, on September 8, 2020. In Plaintiffs’ Original Petition, Plaintiffs assert negligence-based causes of action and claims for personal injury damages against Defendants.

4. Defendants have filed this Notice of Removal within thirty days after receiving papers indicating that the present lawsuit was filed in the Bryan County Court, and subsequently became removable to the United States District Court for the Eastern District of Oklahoma. Defendants, therefore, contend that this removal is timely made.¹

D. VENUE IS PROPER

5. The United States District Court for the Eastern District of Oklahoma is the proper venue for removal of the state court action pursuant to 28 U.S.C. §

¹ See, 28 U.S.C. § 1446(b)(3).

1441(a) because the District Court of Bryan County, Oklahoma is located within the jurisdiction of the United States District Court for the Eastern District of Oklahoma.

E. DIVERSITY OF CITIZENSHIP EXISTS

6. This is a civil action that falls under the Court's original jurisdiction pursuant to 28 U.S.C. § 1332 and is one that may be removed to this Court based on diversity of citizenship in accordance with 28 U.S.C. §§ 1441 and 1446.

7. As admitted in the Original Petition, Plaintiffs are resident citizens of Denton County, Texas.²

8. Defendant USA is a foreign corporation formed under the laws of the State of Delaware. Defendant USA's primary place of business is in the State of Arkansas. Pursuant to 28 U.S.C. § 1332(c)(1), Defendant USA Truck, Inc. is not a citizen of the State of Oklahoma.

9. Defendant Strange is a citizen of the State of Georgia.

10. Because Plaintiffs are residents of the State of Texas and Defendants are not, complete diversity of citizenship exists pursuant to 28 U.S.C. § 1332.

F. THE AMOUNT IN CONTROVERSY REQUIREMENT IS SATISFIED

11. In the Original Petition, Plaintiffs specifically plead that the “amount in controversy exceeds \$75,000, exclusive of interest and costs.”³ As such, Defendants would show that Plaintiffs seek damages in excess of \$75,000.

² See, "Plaintiffs' Original Petition," at ¶¶ 1-2, a true and correct copy of which is produced herein.

³ See, *id.*, at ¶ 5.

12. Based on the aforementioned facts, the current state court action may be removed to the United States District Court for the Eastern District of Oklahoma by Defendants in accordance with the provisions of 28 U.S.C. § 1441(a) because: (i) this action is a civil action pending within the jurisdiction of the United States District Court for the Eastern District of Oklahoma; (ii) this action is between citizens of different states; and (iii) the amount in controversy will exceed \$75,000, exclusive of interest and costs.

G. ALL DEFENDANTS CONSENT TO THE REMOVAL

13. Pursuant to 28 U.S.C. § 1446(b)(2)(A), all defendants who have been properly joined and served join in this removal.

H. FILING OF REMOVAL PAPERS

14. Pursuant to 28 U.S.C. § 1446(d), Defendants are providing written notice of the filing of this Notice of Removal to all counsel of record and is filing a copy of this Notice with the District Court of Bryan County, Oklahoma, in which this action was originally commenced.

I. CONCLUSION

15. Defendants hereby remove the above-captioned action from the District Court of Bryan County, Oklahoma, and request that further proceedings be conducted in the United States District Court for the Eastern District of Oklahoma, as provided by law.

Respectfully submitted,

By: /s/ Zach T. Mayer
Zach T. Mayer
Oklahoma Bar No. 21575
Email: zmayer@mayerllp.com
J. Edward Johnson
Pro Hac Vice forthcoming
Email: ejohnson@mayerllp.com
Kimberly H. Kerns
Pro Hac Vice forthcoming
Email: kkerns@mayerllp.com

MAYER LLP

750 N. St. Paul Street, Suite 700
Dallas, Texas 75201
Telephone: 214.379.6900
Facsimile: 214.379.6939

**ATTORNEYS FOR DEFENDANTS
USA TRUCK, INC. and ALEXANDER
STRANGE**

CERTIFICATE OF SERVICE

This is to certify that on the 23rd day of September 2020, a true and correct copy of the foregoing has been forwarded to all counsel of record, as follows:

Via ECF

Via Email: cullen@mcmahonlawfirm.com

W. Cullen McMahon
W. CULLEN MCMAHON, PLLC
12221 Merit Drive, Suite 945
Dallas, Texas 75251

/s/ Zach T. Mayer
Zach T. Mayer